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HUMBOLDT BAYKEEPER and
ECOLOGICAL RIGHTS FOUNDATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUMBOLDT BAYKEEPER, et al.,

Plaintiffs,

v.

UNION PACIFIC RAILROAD COMPANY,
et al,

Defendants.

Civil Case No.: C 06-02560 JSW MED

**STIPULATION TO EXTEND TIME FOR
PLAINTIFFS TO AMEND COMPLAINT
IN RESPONSE TO COURT'S ORDER
DISMISSING PLAINTIFFS' THIRD
THROUGH NINTH CAUSES OF ACTION;
[PROPOSED] ORDER**

Deadline to Amend: June 1, 2007
Dept: Courtroom 2
Judge: The Honorable Jeffrey S. White

1 Plaintiffs Humboldt Baykeeper and Ecological Rights Foundation (collectively "Plaintiffs") and
2 Defendants Union Pacific Railroad Company, North Coast Railroad Authority, and CUE VI, LLC by
3 and through its counsel hereby stipulate to the following:

4 1. On May 16, 2007 the Court issued an Order dismissing Plaintiffs' Third through Ninth
5 Causes of Action in the Second Amended Complaint ("May 16 Order").

6 2. In its May 16 Order the Court required Plaintiffs to file an amended complaint to comply
7 with the Court's order by June 1, 2007.

8 3. Plaintiffs will file a motion for leave to file a motion for reconsideration of the dismissal of
9 Plaintiffs Third through Eighth claims in the Second Amended Complaint as soon as possible and prior
10 to June 1, 2007.

11 4. Plaintiffs believe it would save resources to allow the Court to reach a decision on Plaintiffs'
12 motion for leave and motion for reconsideration before requiring Plaintiffs to file an amended
13 complaint.

14 5. It is reasonable that the deadline for Plaintiffs to file an amended complaint shall be extended
15 to 10 days after the Courts' ruling on Plaintiffs' motion for leave to file a motion for reconsideration, or
16 the Court's ruling on Plaintiffs motion for reconsideration, whichever is later.

17
18 DATED: May 29, 2007

Respectfully Submitted,

19 LAWYERS FOR CLEAN WATER, INC.

20
21 /s/
Drevet Hunt
22 Attorneys for Plaintiffs
23 Humboldt Baykeeper and
Ecological Rights Foundation

24 BRISCOE IVESTER & BAZEL LLP

25
26 /s/
27 Lawrence S. Bazel
Attorneys for Defendant
28 Union Pacific Railroad Company

BRISCOE IVESTER & BAZEL LLP

/s/
Lawrence S. Bazel
Attorneys for Defendant
CUE VI, LLC

LAW OFFICES OF CHRISTOPHER J. NEARY

/s/
Christopher J. Neary
Attorney for Defendant
North Coast Railroad Authority

I, Drevet Hunt, attest that the content of this document is acceptable to all persons required to sign this document.

Date: May 29, 2007

/s/
Drevet Hunt
Lawyers for Clean Water, Inc.
Attorney for Plaintiffs

[PROPOSED] ORDER

Based on the foregoing, and good cause appearing therefore, the Court orders the deadline for Plaintiffs to file an amended complaint shall be extended to 10 days after the Courts' ruling on Plaintiffs' motion for leave to file a motion for reconsideration, or its ruling on Plaintiffs motion for reconsideration, whichever is later.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: June 1, 2007

Jeffrey S. White
The Honorable Judge Jeffrey S. White
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA